



Sen. Terry Link

Filed: 4/11/2005

09400SB0818sam001

LRB094 04447 RSP 44527 a

1 AMENDMENT TO SENATE BILL 818

2 AMENDMENT NO. _____. Amend Senate Bill 818 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Police Training Act is amended by
5 changing Section 9 and adding Section 9.2 as follows:

6 (50 ILCS 705/9) (from Ch. 85, par. 509)

7 Sec. 9. A special fund is hereby established in the State
8 Treasury to be known as "The Traffic and Criminal Conviction
9 Surcharge Fund" and shall be financed as provided in Sections
10 ~~Section~~ 9.1 and 9.2 of this Act and Section 5-9-1 of the
11 "Unified Code of Corrections", unless the fines, costs or
12 additional amounts imposed are subject to disbursement by the
13 circuit clerk under Section 27.5 of the Clerks of Courts Act.
14 Moneys in this Fund shall be expended as follows:

15 (1) A portion of the total amount deposited in the Fund
16 may be used, as appropriated by the General Assembly, for
17 the ordinary and contingent expenses and capital
18 development expenses of the Illinois Law Enforcement
19 Training Standards Board;

20 (2) A portion of the total amount deposited in the Fund
21 shall be appropriated for the reimbursement of local
22 governmental agencies participating in training programs
23 certified by the Board, in an amount equaling 1/2 of the
24 total sum paid by such agencies during the State's previous

1 fiscal year for mandated training for probationary police
2 officers or probationary county corrections officers and
3 for optional advanced and specialized law enforcement or
4 county corrections training. These reimbursements may
5 include the costs for tuition at training schools, the
6 salaries of trainees while in schools, and the necessary
7 travel and room and board expenses for each trainee. If the
8 appropriations under this paragraph (2) are not sufficient
9 to fully reimburse the participating local governmental
10 agencies, the available funds shall be apportioned among
11 such agencies, with priority first given to repayment of
12 the costs of mandatory training given to law enforcement
13 officer or county corrections officer recruits, then to
14 repayment of costs of advanced or specialized training for
15 permanent police officers or permanent county corrections
16 officers;

17 (3) A portion of the total amount deposited in the Fund
18 may be used to fund the "Intergovernmental Law Enforcement
19 Officer's In-Service Training Act", veto overridden
20 October 29, 1981, as now or hereafter amended, at a rate
21 and method to be determined by the board;

22 (4) A portion of the Fund also may be used by the
23 Illinois Department of State Police for its ordinary and
24 contingent expenses and capital development expenses,
25 grants to fund community policing, the Illinois State
26 Police Academy, and expenses incurred in the training of
27 employees from any State, county or municipal agency whose
28 function includes enforcement of criminal or traffic law;

29 (5) A portion of the Fund may be used by the Board to
30 fund grant-in-aid programs and services for the training of
31 employees from any county or municipal agency whose
32 functions include corrections or the enforcement of
33 criminal or traffic law. Of the amount going to the Board,
34 a portion of the total amount deposited into the Fund in

1 accordance with Section 9.2 may be used to supplement the
2 Intergovernmental Law Enforcement Officer's In-Service
3 Training Act at a rate and method to be determined by the
4 Board. In addition, the Board may, subject to
5 appropriation, fund grants-in-aid programs and services,
6 including, but not limited to, (i) grants available to
7 State and local law enforcement agencies, (ii) law
8 enforcement research and technical assistance initiatives,
9 (iii) law enforcement technology and equipment
10 enhancements, (iv) executive, in-service, and advanced
11 training programs, and (v) other prioritized programs to
12 reform, renew, and enhance law enforcement operations and
13 practices or to enhance the detection and prevention of
14 crime within this State.

15 All payments from The Traffic and Criminal Conviction
16 Surcharge Fund shall be made each year from moneys appropriated
17 for the purposes specified in this Section. The amount
18 available from the Traffic and Criminal Conviction Surcharge
19 Fund for appropriation to the Board shall be 60% of annual
20 receipts in the Fund and the amount available for appropriation
21 to the Department of State Police shall be 40% of annual
22 receipts in the Fund. No more than 50% of any appropriation
23 under this Act shall be spent in any city having a population
24 of more than 500,000. The State Comptroller and the State
25 Treasurer shall from time to time, at the direction of the
26 Governor, transfer from The Traffic and Criminal Conviction
27 Surcharge Fund to the General Revenue Fund in the State
28 Treasury such amounts as the Governor determines are in excess
29 of the amounts required to meet the obligations of The Traffic
30 and Criminal Conviction Surcharge Fund.

31 (Source: P.A. 88-586, eff. 8-12-94; 89-464, eff. 6-13-96.)

32 (50 ILCS 705/9.2 new)

33 Sec. 9.2. Law Enforcement Revitalization and Public

1 Protection Surcharge.

2 (a) The Secretary of Financial and Professional Regulation
3 shall collect the Law Enforcement Revitalization and Public
4 Protection Surcharge from every insurance company classified
5 to transact business in this State pursuant to paragraphs (b),
6 (c), (e), (f), (g), (h), (i), and (j) of Class 2 and pursuant
7 to Class 3 of Section 4 of the Illinois Insurance Code. For
8 premiums written during calendar year 2006, the surcharge shall
9 be in an amount equal to 1% of the premium on the following
10 lines of business: multiple peril (non-liability portion),
11 commercial multiple peril (liability portion), ocean marine,
12 financial guaranty, products liability, commercial auto
13 no-fault and other commercial auto liability, commercial
14 physical damage, fidelity, surety, boiler and machinery, and
15 credit receipts of the insurance company from business done in
16 the State during the preceding year, and shall be used in
17 accordance with Section 9 of this Act and shall be collected on
18 July 31, 2007 and annually thereafter.

19 (b) For premiums written on or after July 1, 2005 and
20 before January 1, 2006, the surcharge shall be in an amount
21 equal to 2% of the premium written on the following lines of
22 business: multiple peril (non-liability portion), commercial
23 multiple peril (liability portion), ocean marine, financial
24 guaranty, products liability, commercial auto no-fault and
25 other commercial auto liability, commercial physical damage,
26 fidelity, surety, boiler and machinery, and credit receipts of
27 the insurance company from business done in the State during
28 the preceding year, and shall be used in accordance with
29 Section 9 of this Act. Premiums written after July 1, 2005
30 shall be payable in 2 installments. The surcharge due on
31 January 15, 2006 is based on the premiums written from July
32 through September 2005. The second installment is due July 15,
33 2006 based on the premiums written from October through
34 December of 2005. For purposes of this subsection (b), the

1 company shall remit the surcharge based on the
2 Property/Casualty Quarterly Statement Blank, as filed with the
3 National Association of Insurance Commissioners.

4 (c) The Department of Financial and Professional
5 Regulation may revoke the license of any company, association,
6 co-partnership, or aggregation of individuals licensed by the
7 Department to do business in the State if that entity is found
8 to be in violation of the requirements of this Section 9.2.

9 (d) If a company fails to pay the full amount of a Law
10 Enforcement Revitalization and Public Protection Surcharge of
11 \$100 or more due under this Section, 10% of the deficiency
12 shall be added to the amount due as a penalty for each month or
13 part of a month that the surcharge remains unpaid.

14 (e) The Department of Financial and Professional
15 Regulation may enforce the collection of any delinquent payment
16 or penalty by legal action or in any other manner by which the
17 collection of debts due the State may be enforced under the
18 laws of this State.

19 (f) To recoup the collection costs of the Department of
20 Financial and Professional Regulation, each year 2% of all
21 moneys collected under this Section shall be transferred to the
22 Insurance Financial Regulation Fund.

23 Section 99. Effective date. This Act takes effect July 1,
24 2005."